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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION TWO

THE PEOPLE OF THE STATE OF
CALIFORNIA,

Plaintiff and Respondent,

v.

JORGE ONATE,

Defendant and Appellant.

B291187

(Los Angeles County
Super. Ct. No. BA460237)

THE COURT:*

Defendant Jorge Onate filed a notice of appeal from his misdemeanor conviction of possessing methamphetamine. (Health & Saf. Code, § 11377.) His appointed counsel filed a brief pursuant to *People v. Wende* (1979) 25 Cal.3d 436 (*Wende*), disapproved on other grounds in *In re Sade C.* (1996) 13 Cal.4th 952, 959, raising no issues. On October 19, 2018, defendant was notified of his right to file a supplemental brief and to request the court to have present counsel relieved if he so desires. Over 30 days have

elapsed, and defendant has submitted nothing. We have reviewed the entire record, and finding no arguable issues, affirm the judgment.

In August 2017, defendant was sitting in the driver's seat of a parked car with the engine running; a passenger was also in the car. Two police officers approached the car after determining that its registration tags had expired. From outside the car, they saw a bag in the center console containing a substance that looked like methamphetamine. The police asked defendant and his passenger to exit the car and searched it; they found methamphetamine, a scale, a bag filled with shaved-down keys, and live rounds of ammunition. Defendant admitted the methamphetamine was his. Defendant had previously been convicted of felony grand theft of an automobile in 2000.

The People ultimately charged defendant with (1) being a felon in possession of ammunition, a felony (Pen. Code, § 30305, subd. (a)(1)); (2) possessing methamphetamine, a misdemeanor (Health & Saf. Code, § 11377); and (3) possessing burglary tools, a misdemeanor (Pen. Code, § 466).¹

The matter proceeded to a jury trial. At trial, defendant testified that he possessed the methamphetamine and his attorney conceded his guilt of that charge in closing argument. The jury convicted defendant of the drug possession charge, but hung on the remaining two counts. After the People dismissed the unresolved counts, the trial court sentenced defendant to 360 days in jail, which amounted to a sentence of time served.

¹ The People had dismissed an earlier count charging defendant with felony possession of methamphetamine for sale (Health & Saf. Code, § 11378).

We have reviewed the entire record pursuant to *Wende* and find no arguable issues on appeal. (*People v. Kelly* (2006) 40 Cal.4th 106.) Defendant's testimony constitutes substantial evidence supporting the sole count of conviction, and we have identified no procedural errors that warrant relief. The judgment is accordingly affirmed.

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LUI, P. J.,

CHAVEZ, J.,

HOFFSTADT, J.